UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/50/160
19 April 1995

ORIGINAL: ENGLISH

Fiftieth session
Item 114 (a) of the
preliminary list*

HUMAN RIGHTS QUESTIONS: IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS

Letter dated 18 April 1995 from the Permanent Representative of Croatia to the United Nations addressed to the Secretary-General

I wish to inform you, in your capacity as depositary of international treaties, that the Republic of Croatia, as a State party to the International Covenant on Civil and Political Rights, has always supported and continues to cooperate actively with the Human Rights Committee in its noble task of furthering the principles enshrined in the Covenant. However, upon instructions from my Government, I must voice my strong objection against the inscription of "Yugoslavia (Serbia and Montenegro)" as a State party to the Covenant on Civil and Political Rights in the provisional agenda and annotations of the Human Rights Committee (CCPR/C/104).

I wish to stress, firstly, that there is no State recognized by the international community by the name of "Yugoslavia (Serbia and Montenegro)". Secondly, the fact that the above-mentioned document indicates that this "State" has been reminded to present its fourth periodic report could be interpreted as indicating that Serbia and Montenegro represent a continuation of the State, international, legal and political personality of the former Socialist Federal Republic of Yugoslavia (SFRY). For it is only the former SFRY or a State that is recognized as its automatic successor that would be in a position to present its fourth periodic report to the Human Rights Committee.

Such an interpretation would be in direct conflict with the position of the international community and, in particular, with Security Council resolution

* A/50/50.

777 (1992), which stated that the "Socialist Federal Republic of Yugoslavia has ceased to exist", as well as with the opinion of the Arbitration Commission of the International Conference on the Former Yugoslavia, which stated that "the successor States to the Socialist Federal Republic of Yugoslavia must together settle all aspects of the succession by agreement ... and that none of the successor States may thereupon claim for itself alone the membership rights previously enjoyed by the former Socialist Federal Republic of Yugoslavia" (opinion number 9).

In this regard, I wish to reiterate the position of the Government of the Republic of Croatia that Serbia and Montenegro must act as other successor States of the former SFRY have done - notify the Secretary-General, in his capacity as depository of international treaties, of their intention to be considered a party to the International Covenant on Civil and Political Rights by virtue of succession to the former SFRY.

I wish to stress that even if Serbia and Montenegro were to act in such a matter, they would then be in a position to present their initial report as a new State - not a fourth periodic report.

The Government of the Republic of Croatia sincerely desires that this matter be rectified in such a manner as to reflect accurately the legal status of the successor States of the former SFRY.

I would be grateful for your kind assistance in circulating the present letter as a document of the General Assembly under item 114 (a) of the preliminary list.

(Signed) Mario NOBILO
Permanent Representative